

# SELLER'S PROPERTY DISCLOSURE STATEMENT EXHIBIT " \_\_\_\_\_ "



2002 Printing

For property located at \_\_\_\_\_, \_\_\_\_\_ Georgia \_\_\_\_\_ ("Property")

**NOTICE TO BUYER AND SELLER:** This disclosure statement is designed to assist Seller in disclosing to a buyer all known material or adverse facts relating to the physical condition of Property that are not readily observable and to identify those fixtures/items that are included with the sale of Property. All questions are to be answered with respect to the above referenced Property.

**IF THE ANSWERS TO ANY OF THE QUESTIONS LISTED BELOW ARE "YES," PLEASE EXPLAIN IN DETAIL IN THE "ADDITIONAL EXPLANATIONS" SECTION.**

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
<b>1. OCCUPANCY:</b>			
(a) Is Property vacant?	_____	_____	_____
(b) If yes, how long has it been since Seller occupied Property? _____	_____	_____	_____
(c) Are there any leases, written or verbal, on Property or any part thereof?	_____	_____	_____
<b>2. SOIL, TREES, SHRUBS AND BOUNDARIES:</b>			
(a) Is there any landfill (other than foundation backfill), burial pits, mine shafts, or wells (in use or abandoned) on Property?	_____	_____	_____
(b) Are you aware of any sliding, settling (other than normal settling), earth movement, sinkholes, upheaval, or earth stability/expansive soil problems?	_____	_____	_____
(c) Are you aware of any diseased or dead trees or shrubs?	_____	_____	_____
(d) Are you aware of any encroachments, unrecorded easements, or boundary line disputes with respect to the Property?	_____	_____	_____
<b>3. ROOF, GUTTERS AND DOWNSPOUTS:</b>			
(a) Approximate age of roof: _____ years.	_____	_____	_____
(b) Has the roof, or any part thereof, been repaired during your ownership?	_____	_____	_____
(c) Are you aware of any roof leaks or problems with the roof, gutters or downspouts?	_____	_____	_____
<b>4. TERMITES, DRY-ROT, PESTS, AND WOOD-DESTROYING ORGANISMS:</b>			
(a) Do you have any knowledge of any past or present damage to Property caused by infiltrating pests, termites, dry-rot, or other wood-destroying organisms?	_____	_____	_____
(b) Is your Property currently under a transferable bond, warranty or other coverage for termites or other wood destroying organisms by a licensed pest control company? If yes, check type of coverage, <input type="checkbox"/> re-treatment and repair or <input type="checkbox"/> re-treatment only	_____	_____	_____
(c) Are you aware of any termite/pest control reports or treatments for the Property being done in the last five years?	_____	_____	_____
(d) Does any dwelling or garage on Property have any untreated wood or exterior siding/cladding, such as rigid board insulation, foam plastic, synthetic stucco, hard coat stucco, wood or masonry siding (excluding brick), below grade or within six inches of finished grade?	_____	_____	_____
<b>5. STRUCTURAL ITEMS, ADDITIONS AND ALTERATIONS:</b>			
(a) What year was the main residential dwelling constructed? _____	_____	_____	_____
(b) Are you aware of any movement, shifting, settling (other than normal settling), cracking, deterioration, or other structural problems with any dwelling or garage on Property?	_____	_____	_____
(c) Are you aware of any additional structural bracing, underpinning, or other structural reinforcement having been added to any dwelling or garage on Property?	_____	_____	_____
(d) Are you aware of any problems with driveways, walkways, patios, or retaining walls on Property?	_____	_____	_____
(e) Are you aware of any additions, structural changes, or any other major alterations to improvements to the Property?	_____	_____	_____
(f) Are you aware of any instances where necessary permits and/or approvals were not obtained?	_____	_____	_____
(g) Are you aware of any work done to the Property that was not in compliance with building codes or zoning regulations?	_____	_____	_____
(h) Do any of the exterior siding or cladding of any dwelling or garage on Property contain synthetic stucco?	_____	_____	_____

Yes    No    Don't Know

**6. DRAINAGE, FLOODING AND MOISTURE:**

- (a) Are you aware of any water leakage, accumulation, or dampness within the basement, crawl space or other parts of the main dwelling at or below grade? \_\_\_\_\_
- (b) Are you aware of any repairs being made to control any water or dampness problems in the basement, crawl space, or other parts of the main dwelling at or below grade? \_\_\_\_\_
- (c) Are you aware if the Property or any improvements thereon is located in a flood zone? \_\_\_\_\_
- (d) Are you aware of any drainage problems or flooding? \_\_\_\_\_
- (e) Are you aware of any problems with siding or exterior cladding retaining moisture, swelling, chipping or delaminating? \_\_\_\_\_
- (f) Are you aware of any mold appearing on interior portions of any dwelling on the property other than on the walls, floors or ceilings of showers/bathtubs? \_\_\_\_\_

**7. PLUMBING RELATED ITEMS:**

- (a) What is your drinking water source:     Public     Private     Well on Property
- (b) If your drinking water is from a well, has it been tested within the past twelve months? \_\_\_\_\_
- (c) Do you have a water softener, filter or purifier? If yes,     Leased     Owned
- (d) What is the type of sewage system:     Public     Private     Septic Tank
- (e) Is the main dwelling served by sewage pump or lift system? \_\_\_\_\_
- (f) Do you know if any septic tank or cesspool on the Property has ever been professionally serviced? \_\_\_\_\_  
If yes, please give the date of last service: \_\_\_\_\_, \_\_\_\_\_
- (g) Do you know of any past or present leaks, backups, or other similar problems relating to any of the plumbing, water and/or sewage-related items? \_\_\_\_\_
- (h) Is there any polybutylene plumbing, other than primary service line, on the Property? \_\_\_\_\_

**8. OTHER SYSTEMS AND COMPONENTS:**

- (a) What type of heating system(s) serve the main dwelling? \_\_\_\_\_
- (b) Approximate age of heating system(s): \_\_\_\_\_ years
- (c) How is hot water heated in the main dwelling?     Electric     Gas     Solar
- (d) Approximate age of hot water heater: \_\_\_\_\_ years
- (e) What type of air conditioning system(s) serve the main dwelling? \_\_\_\_\_
- (f) Approximate age of air conditioning system(s) \_\_\_\_\_ years
- (g) Does the main dwelling have aluminum wiring other than the primary service line? \_\_\_\_\_
- (h) Is there any system or appliance which is leased or which has a fee associated with its use? \_\_\_\_\_
- (i) Are any fireplaces not working fireplaces or not in good working order and repair? \_\_\_\_\_
- (j) When was the fireplace, wood stove or chimney/flue cleaned? Date: \_\_\_\_\_

**9. TOXIC SUBSTANCES:**

- (a) Are you aware of any underground tanks or toxic substances on Property (structure or soil) such as asbestos, polychlorinated biphenyls (PCBs), urea-formaldehyde, methane gas, radioactive material, radon, benzene or others? \_\_\_\_\_
- (b) Are you aware if Property has ever been tested for radon or any other toxic substances? \_\_\_\_\_

**10. COVENANTS, FEES AND ASSESSMENTS:**

- (a) Is the Property part of a condominium or other community association or is it subject to covenants, conditions and restrictions (CC & R's)? \_\_\_\_\_
- (b) Is there a mandatory membership Association Fee?    If yes, amount \$ \_\_\_\_\_ per \_\_\_\_\_.
- (c) In purchasing the Property, will any initiation, transfer, or other similar fee be owed to the Association? If yes, amount \$ \_\_\_\_\_.
- (d) Are there any special assessments approved by but yet not owing or due to the Association? \_\_\_\_\_

**11. OTHER MATTERS:**

- (a) Have there been any inspections of Property in the past year? \_\_\_\_\_
- (b) Has the Property or any improvements thereon ever been, or is it currently, the subject of litigation or claim including, but not limited to, defective building products, construction defects, termites, and/or title problems? \_\_\_\_\_
- (c) Are you aware of any award or payment of money in lieu of repairs for such a defective building product? \_\_\_\_\_
- (d) Are you aware if any release has been signed that would limit a future owner from making any claims in connection with Property? \_\_\_\_\_

	Yes	No	Don't Know
(e) Are you aware of any fire, flood or wind damage which required repairs to Property in excess of \$500.00?	_____	_____	_____
(f) Are you aware if any fixtures or appliances included in the sale that are in need of repair?	_____	_____	_____
(g) Are you aware of any repairs that need to be made to the electrical, plumbing, or heating and air condition system, or any part thereof?	_____	_____	_____

**12. FIXTURES/ITEMS: (Check (T) only those fixtures/items below that are included in the sale of Property. Unless otherwise indicated, if there is more than one item (such as a second refrigerator or two chandeliers or three smoke detectors), all such fixtures/items checked are included in the sale of Property. Those fixtures/items listed below that are not checked shall not be included in the sale of Property.**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Air Conditioning Window Unit<br><input type="checkbox"/> Air Purifier<br><input type="checkbox"/> Alarm System (Burglar)<br><input type="checkbox"/> Leased <input type="checkbox"/> Owned<br><input type="checkbox"/> Alarm System (Smoke/Fire)<br><input type="checkbox"/> Leased <input type="checkbox"/> Owned<br><input type="checkbox"/> Attic Fan (Whole House Fan)<br><input type="checkbox"/> Attic Ventilator Fan<br><input type="checkbox"/> Awning<br><input type="checkbox"/> Basketball Post & Goal<br><input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing<br><input type="checkbox"/> Birdhouses<br><input type="checkbox"/> Boat Dock<br><input type="checkbox"/> Carbon Monoxide Detector<br><input type="checkbox"/> Ceiling Fan<br><input type="checkbox"/> Chandelier<br><input type="checkbox"/> Closet Shelving System<br><input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing<br><input type="checkbox"/> Dehumidifier<br><input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing<br><input type="checkbox"/> Dishwasher<br><input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing<br><input type="checkbox"/> Door & Window Hardware<br><input type="checkbox"/> Dryer<br><input type="checkbox"/> Gas <input type="checkbox"/> Electric<br><input type="checkbox"/> Fence (Invisible)<br><input type="checkbox"/> Fence Pet Collar<br><input type="checkbox"/> Fireplace<br><input type="checkbox"/> Gas Logs<br><input type="checkbox"/> Screen/Door<br><input type="checkbox"/> Wood Burning Insert<br><input type="checkbox"/> Flag Pole<br><input type="checkbox"/> Garage Door Opener<br><input type="checkbox"/> Remote Control<br><input type="checkbox"/> Garbage Disposal | <input type="checkbox"/> Gas Grille<br><input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing<br><input type="checkbox"/> Gazebo<br><input type="checkbox"/> Hot Tub<br><input type="checkbox"/> Humidifier<br><input type="checkbox"/> Ice Maker<br><input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing<br><input type="checkbox"/> Intercom<br><input type="checkbox"/> Jetted Tub<br><input type="checkbox"/> Landscaping Lights<br><input type="checkbox"/> Light Fixtures<br>(Except Chandeliers)<br><input type="checkbox"/> Mailbox<br><input type="checkbox"/> Microwave Oven<br><input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing<br><input type="checkbox"/> Mirror (Attached)<br><input type="checkbox"/> Playhouse<br><input type="checkbox"/> Propane Gas Tanks<br><input type="checkbox"/> Above ground <input type="checkbox"/> Buried<br><input type="checkbox"/> Leased <input type="checkbox"/> Owned<br><input type="checkbox"/> Radio (Built-In)<br><input type="checkbox"/> Refrigerator<br><input type="checkbox"/> Satellite Dish/Receiver<br><input type="checkbox"/> Sauna<br><input type="checkbox"/> Shelving Unit & System<br><input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing<br><input type="checkbox"/> Shower Head/Sprayer<br><input type="checkbox"/> Smoke Detector<br><input type="checkbox"/> Battery Operated <input type="checkbox"/> Hard Wired<br><input type="checkbox"/> Speakers (Built-In)<br><input type="checkbox"/> Sprinkler System<br><input type="checkbox"/> Statuary | <input type="checkbox"/> Storage Building<br><input type="checkbox"/> Stove<br><input type="checkbox"/> Gas <input type="checkbox"/> Electric<br><input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing<br><input type="checkbox"/> Sump Pump<br><input type="checkbox"/> Surface Unit Cook Top<br><input type="checkbox"/> Gas <input type="checkbox"/> Electric<br><input type="checkbox"/> Swimming Pool<br><input type="checkbox"/> Above Ground<br><input type="checkbox"/> Swimming Pool Equipment<br>(List below)<br><input type="checkbox"/> Swing Set<br><input type="checkbox"/> Switch Plate Covers<br><input type="checkbox"/> Telephone Jacks/Wires<br><input type="checkbox"/> Television Antenna<br><input type="checkbox"/> Television Cable/Jacks<br><input type="checkbox"/> Thermostat (Programmable)<br><input type="checkbox"/> Trash Compactor<br><input type="checkbox"/> Built-In <input type="checkbox"/> Free Standing<br><input type="checkbox"/> Tree House<br><input type="checkbox"/> Wired<br><input type="checkbox"/> Trellis<br><input type="checkbox"/> Vacuum System (Built-In)<br><input type="checkbox"/> Vacuum Attachments<br><input type="checkbox"/> Vent Hood<br><input type="checkbox"/> Washing Machine<br><input type="checkbox"/> Water Purification System<br><input type="checkbox"/> Water Softener System<br><input type="checkbox"/> Weather Vane<br><input type="checkbox"/> Well Pump<br><input type="checkbox"/> Window Screens<br><input type="checkbox"/> Window Treatments |
|--|--|---|

Other fixtures/items included in the sale of Property:

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Other fixtures/items not included in the sale of Property:

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The common law of fixtures shall apply to fixtures not addressed herein. Those fixtures/items that are not included in the sale of Property shall remain Property of Seller and shall be removed prior to closing or the transfer of possession of Property to Buyer, whichever is later. Seller shall lose the right to remove any such fixtures/items not timely removed. In removing all fixtures/items, Seller shall use reasonable care to

prevent damage and, if necessary, to restore Property to its original condition.

**13. LEAD-BASED PAINT:** Was any part of the residential dwelling on Property constructed prior to 1978?

- Yes    Don't Know    No   (If no, proceed to paragraph 14.)

If you have answered "Yes" or "Don't Know" above, Seller does hereby provide the following warning and shall disclose the following information regarding lead-based paint and lead-based paint hazards.

**PURCHASE AND SALE TRANSACTION LEAD WARNING STATEMENT.**

Every purchaser of any interest in residential property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

**Seller's Disclosure.** [Seller to mark and initial sections A and B below]

A. Presence of lead-based paint and/or lead paint hazard (check one below):

Seller Initials

- Known lead-based paint and/or lead-based paint hazards are present in the housing (explain below):

\_\_\_\_\_

- Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

Seller Initials

B. Records and Reports available to the Seller (check one below):

- Seller has provided the Buyer with all the available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list document below):

\_\_\_\_\_

- Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Buyer's Acknowledgment.** [Buyer to mark and initial sections C, D, and E below]

Buyer Initials

C. Buyer has received copies of all information listed above regarding lead-based paint and/or lead-based paint hazards

Buyer Initials

D. Buyer has read and understands the above lead warning statement and has received the pamphlet "Protect Your Family From Lead in Your Home."

Initials

E. Buyer has (check one below):

- Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment inspection for the presence of lead-based paint and/or lead-based paint hazards; or
- Waived the opportunity to conduct a risk assessment inspection for the presence of lead-based paint and/or lead-based paint hazards.

**Broker Acknowledgment.** [Broker to initial section F below]

Broker Initials

F. Broker has informed the Seller of the Seller's obligations under 42 U.S.C. §4852(d) and is aware of his/her responsibility to ensure compliance.

\_\_\_\_\_ Broker's Signature

The lead-based paint disclosures must occur prior to the Seller's acceptance of the Buyer's written offer to purchase; if the potential Buyer makes the offer to purchase before the requisite disclosures are provided to the Buyer, the Seller can not accept the offer until: 1) the disclosure is made; and 2) the potential Buyer has had an opportunity to review the information and consider whether to amend the offer.

**14. AGRICULTURAL DISCLOSURE:** Is the subject property within, partially within, or adjacent to any property zoned or identified on an approved county land use plan as agricultural or forestry use?  **Yes**  **No**  **Don't Know**

It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of farm and forest land for the production of food, fiber, and other products, and also for its natural and environmental value. This notice is to inform prospective property owners or other persons or entities leasing or acquiring an interest in real property that property in which they are about to acquire an interest lies within, partially within, or adjacent to an area zoned, used, or identified for farm and forest activities and that farm and forest activities occur in the area. Such farm and forest activities may include intensive operations that cause discomfort and inconveniences that involve, but are not limited to, noises, odors, fumes, dust, smoke, insects, operations of machinery during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. One or more of these inconveniences may occur as the result of farm or forest activities which are in conformance with existing laws and regulations and accepted customs and standards.

**15. ADDITIONAL EXPLANATIONS OR DISCLOSURES:**

(Mark box if additional pages are attached.)

**16. SELLER'S REPRESENTATION:**

In this disclosure, Seller warrants that to the best of Seller's knowledge and belief, the information contained herein with respect to the condition of Property is accurate and complete as of the date signed by Seller. It is not a substitute for any inspections or warranties that Buyer may wish to obtain. Seller hereby authorizes Broker to provide this information to prospective buyers of Property and to real estate brokers and their affiliated licensees. Seller agrees to promptly update this Seller's Property Disclosure Statement and to provide any Buyer and Brokers with a revised copy of the same if there are any material changes in the answers to the questions contained herein.

Is each individual named below a U. S. Citizen or resident alien?  Yes  No

Has each individual named below been a Georgia resident for the past two years?  Yes  No

Has Property been Seller's primary residence for at least two of the last five years?  Yes  No

Seller: \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_

Seller: \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_

**17. RECEIPT AND ACKNOWLEDGMENT BY BUYER:**

I acknowledge receipt of this Seller's Property Disclosure Statement. I understand that, except as stated in the Purchase and Sale Agreement, Property is being sold in its present condition, without warranties or guarantees of any kind by Seller or Brokers. No representations concerning the condition of Property are being relied upon by Buyer except as disclosed herein or stated in the Purchase and Sale Agreement.

Buyer: \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_

Buyer: \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_